SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 30, 2016
Time of Incident:	10:24 PM
Location of Incident:	
Date of COPA Notification:	October 11, 2017
Time of COPA Notification:	11:49 AM
and his girl vehicles pulled into the parking approached Mr. vehicle handcuffed them. Officers condom Ms. and Mr. svehicle Without Insurance. Mr. alleged he arrested, police fabricated eviden the charges if Mr. agree third party. Mr. was un	If approximately 10:24 PM, in the parking lot at liferiend were in Mr. 'vehicle. Two police good from opposing sides and blocked Mr. Officers le, ordered Mr. and Ms. out of the vehicle and acting an undercover narcotics mission searched Mr. ehicle. Mr. was subsequently arrested and charged with f a Warrant, Driving on a Revoked License, and Operating a le and his vehicle were improperly searched, he was illegally ce, and a police officer tried to bribe him when he offered to drop led to either testify to a murder or purchase guns from a named laware of any murder and refused to purchase the guns. Although ot sell drugs, he eventually pleaded guilty to possession of a
II. INVOLVED PARTI	ES
Involved Officer #1:	Appointment - 2010, Police Officer as Detective, Unit of Assignment DOB 1981, Male, Hispanic.
Involved Officer #2:	Star #, Employee ID#, Date of Appointment, 2006, Police Officer, Unite of Assignment, DOB, 1982, Male, White.
Involved Officer #3:	, Star #, Employee ID#, Date of Appointment, 2005, Police Officer, Unit of Assignment, DOB, 1980, Male, White.

	Unknown Officer
Involved Officer #4	
Involved Civilian #1:	, DOB , 1981, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer	1. On November 30, 2016 at approximately 10:24 PM, at or near, Officer illegally arrested in violation of Rule 2, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution.	Exonerated
Officer	1. On November 30, 2016 at approximately 10:24 PM, at or near illegally arrested in violation of Rule 2, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution.	Exonerated
Officer	1. On November 30, 2016 at approximately 10:24 PM, at or near the Police Station, Officer tried to bribe when he offered to drop the charges against him in exchange for a gun purchase from a third party in violation of Rule 2.	Exonerated
	2. On November 30, 2016 at approximately 10:24 PM, or at some time thereafter at or near the Police Station, or in a court of law, Officer fabricated evidence when he failed to produce the funds allegedly used to purchase drugs from Mr. in violation of Rule 2.	Exonerated
Unknown Officers ¹	1. On November 30, 2016 at approximately 10:24 PM, at or near, Unknown Officers improperly searched in violation of Rule 2, Fourth Amendment of the	Exonerated

¹ Mr. stated in his first interview that he did not remember any of the officers' names. He did say the officers that first arrived on-scene were from the District, but he was transported to (15:17)

IV. APPLICABLE RULES AND LAWS

Rules

1. **RULE 2-** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

COMMENT: This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

Federal Laws

1. Fourth Amendment of the United States Constitution, and Section 6 of the Illinois Constitution states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

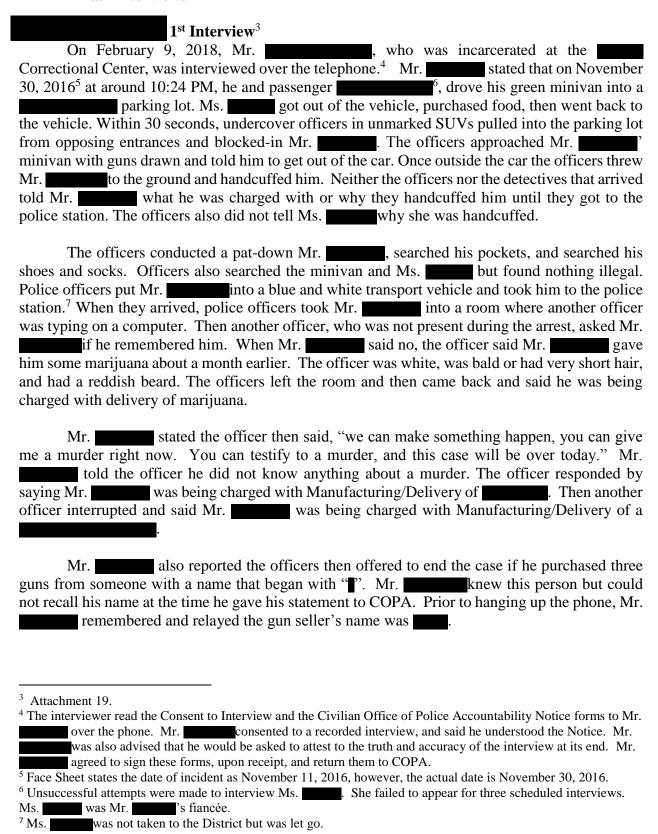
State Laws

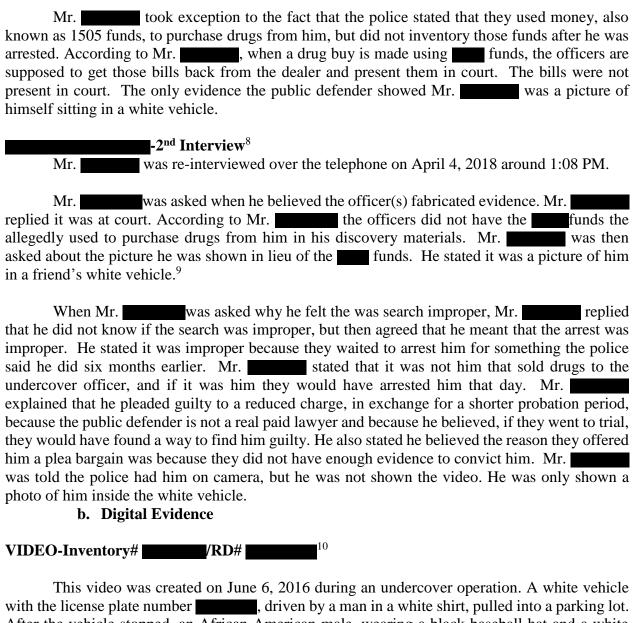
1. **Section 6 of the Illinois Constitution**, states, "The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized."

V. INVESTIGATION²

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews





This video was created on June 6, 2016 during an undercover operation. A white vehicle with the license plate number driven, driven by a man in a white shirt, pulled into a parking lot. After the vehicle stopped, an African American male, wearing a black baseball hat and a white shirt underneath a black shirt, approached the driver's side of the vehicle. The man in the black hat had a wad of cash in his left hand. The man in the black hat reached into the vehicle with this right hand, and then his left. When the video was viewed in slow motion, at 00:13, the driver's hand moved up near the hands of the man in the black hat, and it appears he handed him something or took something out of the hand of the man in the black hat. When the man in the black hat took his hands out of the vehicle, he was no longer holding the cash. The man in the black hat then

⁸ Attachment 23.

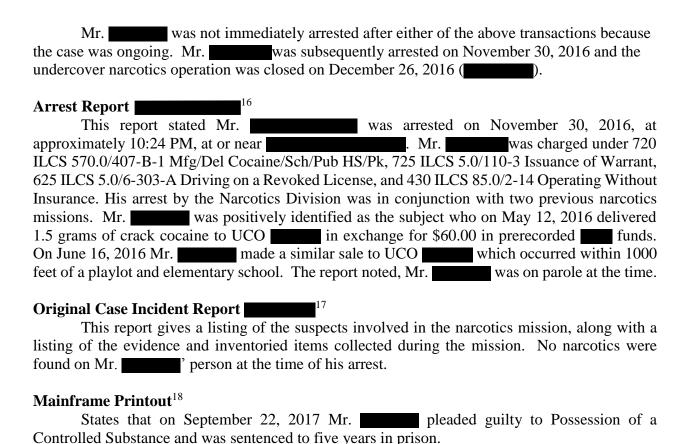
⁹ Mr. would not divulge the name of the friend who owned the vehicle.

¹⁰ Attachment 27.

walked away from the vehicle. At this point there is a close-up of the driver and the face in the video matches the mug shot of Mr.
VIDEO-Inventory# PRD# Property 12
This video was created on May 12, 2016 during an undercover operation. An African American male, dressed in a white sweatshirt and blue jeans, walked across the street, then down a sidewalk and got into a white or silver vehicle. He then got out of the vehicle and walked in the direction from which he came. The face of the man in the video matches Mr.
c. Documentary Evidence
This report, dated October 11, 2017, was drafted by Lieutenant and addressed to BIA Chief
This September 22, 2017 letter outlined Mr. allegations against the Chicago police officers involved in his arrest. He specifically alleged the land Narcotics/Gang Unit engaged in harmful and disturbing conduct. It also stated, among other things, that Chicago police officers commit bribery when they ask citizens for guns and money in exchange for their freedom; fabricate statements to formulate an arrest; and take indecent liberties by exposing detainees through searching. Mr. also alleged many defendants are improperly represented because of they are indigent.
This packet consisted of the reports and inventory forms related to the two undercover narcotics operation which ultimately led to the November 30 th arrest of Mr. RD#s relating to these operations were (RD#) and on June 6, 2016 at (RD#) and on June 6, 2016 at (RD#). In both instances undercover officers used funds to purchase crack cocaine from Mr. in both instances the transactions took place within 1000 feet of either a school or a playlot. Both transactions were recorded on video.
¹¹ During his second interview, Mr. stated that he was shown a picture of himself sitting in a white vehicle. It was shown to him by his attorney while discussing the plea agreement Mr. ultimately accepted. ¹² Attachment 28. ¹³ Attachment 6.

¹⁴ Attachment 5. ¹⁵ Attachment 15.

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VI-LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation

¹⁷ Attachment 13.

¹⁶ Attachment 4.

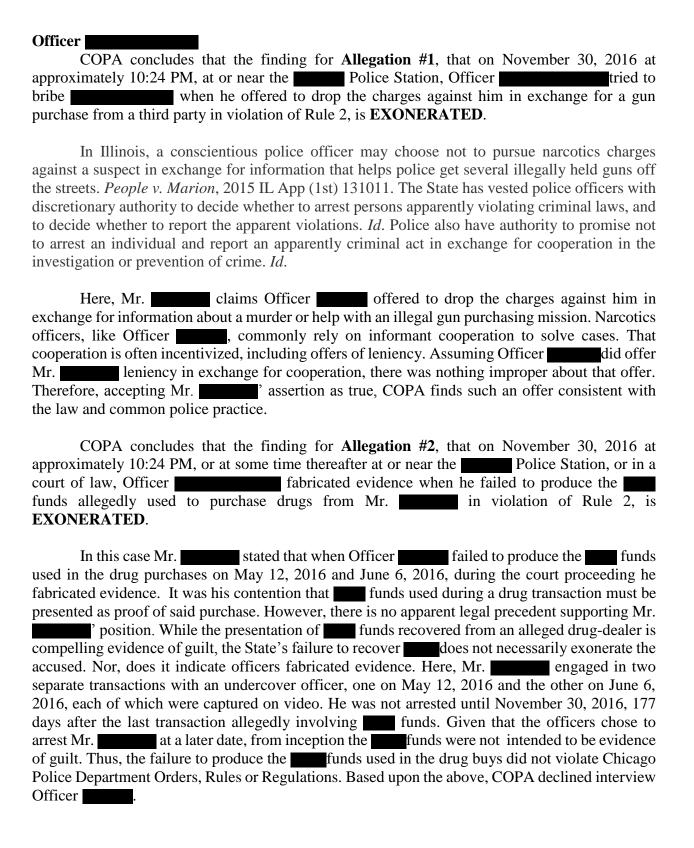
¹⁸ Attachment 9.

establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at \P 28.

VII-ANALYSIS

Officer Landson Control of the Contr	
COPA concludes that the finding for Allegation #1 , that on November 30, 2016 at approximately 10:24 PM, at or near, Officer illegally arrested in violation of Rule 2 of CPD's Rules and Regulations, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution, is EXONERATED .	
A peace officer may arrest a person when there are reasonable grounds to believe the person is committing or has committed an offense. 725 ILCS 5/107-2(1)(c). Here, Officer arrested Mr. based on evidence collected during two earlier video recorded narcotics suppression missions. Specifically, on two separate occasions, Mr. was video recorded selling crack cocaine to undercover officers. While not dispositive in and of itself, Mr. subsequently pled guilty to Possession of a Controlled Substance following the arrest giving rise to this investigation and was sentenced to five years in prison. He acknowledged that he accepted this plea after his attorney presented the State's evidence to wit, a photograph of Mr. at the scene of an alleged drug transaction, officers prepared to identify him in open-court as the narcotic dealer, and surveillance video from both transactions.	
Mr ' claim that the arrest was illegal because officers waited six months from the date of the incident to arrest him is without merit. Delayed arrests are commonplace in narcotics investigations. See <i>People v. Cole</i> , 29 Ill2d 501, 504-505 citing <i>People v. Webb</i> , 60 Ill. App. 2d 365, 374 (Officers often delay arrests in narcotics investigations to build stronger cases). The evidence shows his arrest stemmed from a long-term narcotics mission, that resulted in the arrest of several people and involved many crimes. Given the breadth of evidence against Mr, including video footage and eyewitness accounts, it is more likely than not officers had reasonable grounds to arrest Mr Based upon the above, COPA declined to interview Officer	
COPA concludes that the finding for Allegation #1 , that on November 30, 2016 at approximately 10:24 PM, at or near, Officer illegally arrested in violation of Rule 2, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution, is EXONERATED .	
The analysis and argument for this allegation is consistent with Allegation #1 for Officer . Thus, COPA declined to interview Officer	



any Chicago Police Department Rules or Regulations.

Unknown Officers¹⁹

COPA concludes that the finding for Allegation #1, that on November 30, 2016 at

COPA concludes that the finding for **Allegation #2**, that on November 30, 2016 at approximately 10:24 PM, at or near **Constitution**, **Unknown Officers** improperly searched vehicle in violation of Rule 2, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution, is **EXONERATED**.

Oates, 560 F.2d 45, 62 (2d Cir. 1977) (Dangerous weapons are often "tools of the trade" for drug traffickers.) Therefore, there was no violation of Mr. Fourth Amendment Rights or of

Consistent with the discussion for Allegation #1, Mr. which was also searched incident to his arrest. Like the search of his person, the search of Mr. which was also proper because officers had reasonable grounds to believe evidence of Mr. crimes were inside the minivan. Therefore, the search performed of Mr. which was proper and there was no violation of Mr. Amendment Rights or of any Chicago Police Department Rules or Regulations.

¹⁹ While COPA did not identify the officers with specificity, we know others participated and acted based upon prior narcotics transactions conducted during an undercover operation.

VI. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer	1. On November 30, 2016 at approximately 10:24 PM, at or near, Officer illegally arrested in violation of Rule 2, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution.	Exonerated
Officer	1. On November 30, 2016 at approximately 10:24 PM, at or near, Officer illegally arrested in violation of Rule 2, Fourth Amendment of the United States Constitution, Section 6 of the Illinois Constitution.	Exonerated
Officer	1. On November 30, 2016 at approximately 10:24 PM, at or near the Police Station., Officer tried to bribe when he offered to drop the charges against him in exchange for a gun purchase from a third party in violation of Rule 2.	Exonerated
	2. On November 30, 2016 at approximately 10:24 PM, or at some time thereafter at or near the Police Station, or in a court of law, Officer fabricated evidence when he failed to produce the funds allegedly used to purchase drugs from Mr. in violation of Rule 2.	Exonerated
Unknown Officers	1. On November 30, 2016 at approximately 10:24 PM, at or near	Exonerated
	2. On November 30, 2016 at approximately 10:24 PM, at or near, Unknown Officers improperly searched vehicle in violation of Rule 2, Fourth Amendment of	Exonerated

the United States Constitution, Section 6 of the Illinois Constitution.

March 21, 2019	
Chief Administrator Date	

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	,#
Supervising Investigator:	
Deputy Chief Administrator:	